IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 33066 of 2006(J)

PETITIONER:

ANN C. THAYIL, D/O.CHERIAN THOMAS,
THAYIL HOUSE, KANNANKERY ROAD,
MANJUMMEL P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:

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1. SECRETARY TO HIGHER EDUCATION,
SECRETARIAT, TRIVANDRUM.

2. SECRETARY TO BOARD OF HIGHER
SECONDARY EDUCATION, DEPARTMENT OF
HIGHER SECONDARY EDUCATION, HOUISNG BOARD
BUILDINGS, SANTHI NAGAR, TRIVANDRUM.

3. STATE OF KERALA, REP. BY ITS
SECRETARY TO HIGHER EDUCATION
SECRETARIAT, TRIVANDRUM.

BY GOVT. PLEADER SMT.LAKSHMI RANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.33066/06

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE PETITIONER'S MARK LIST FOR HER HIGHER SECONDARY SCHOOL EXAMINATIONS.

EXT.P2: TRUE COPY OF the PETITIONER'S S.S.L.C. MARK LIST.

EXT.P3: TRUE COPY OF THE PETITION FILED BY THE PETITIONR BEFORE THE RESPONDENTS DT.5.11.2006.

EXT.P4: TRUE COPY OF THE NOTIFICATION FOR HIGHE SECONDARY EXAMINATION MARCH, 2007.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.33066 OF 2006

Dated this the 12th day of February, 2007

JUDGMENT

Petitioner passed the Higher Secondary Examinations in March, 2006. She, however, secured only 48 marks for Mathematics, though she scored 73% in total. She wanted to appear for an improvement examination in the next Higher Secondary Examination in September, 2006. But, it is stated, that she fell victimed to Chicken Pox and could not appear for the examination. Accordingly, she seeks a direction that she may be permitted to improve her Mathematics paper by appearing in the March, 2007 examinations, though she could appear for such an examination only in September, 2006 and has lost that opportunity. As a special case, without being treated as a precedent, this writ petition is disposed of directing that the petitioner, on payment of due fee and making proper application, will be permitted to appear in the Higher Secondary Examinations, 2007 in Mathematics paper and that will be treated as an examination for improvement.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.